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TAGS: PREL UNSC KJUS KDEM PGOV SL XA
SUBJECT: UN/SIERRA LEONE SPECIAL COURT: PROSECUTOR RAPP
BRIEFS MANAGEMENT COMMITTEE ON PROGRESS IN TAYLOR TRIAL,
CONTINUED DELAYS IN RUF CASE

REF: USUN 44

¶1. (SBU) SUMMARY: Sierra Leone Special Court Chief
Prosecutor Stephen Rapp (American), in New York for press
briefings, meetings with UN officials, and non-Court
business, met January 22 with members of the Special Court
Management Committee, including USUN. Rapp reported that the
prosecution was making steady progress in introducing its
case against former Liberian President Charles Taylor, having
elicited the testimony of seven witnesses to date in eleven
days since the trial resumed on January 7. Rapp estimated
that the Prosecution should complete its case against Taylor
in approximately seven to eight months, followed by the
defense, which should take four to six months. The RUF case,
by contrast, continues on in Freetown, with the defense teams
of the three accused still planning to call more than one
hundred witnesses. While cautiously estimating that the
trial phase of the RUF case may conclude by June/July, Rapp
acknowledged that further delays appeared likely.
Separately, Committee Chair Hugh Adsett (Canada) announced
that the Government of Canada was poised to make a new
contribution to the Court of five million Canadian dollars.
END SUMMARY.

STEADY PROGRESS NOW
THAT TAYLOR TRIAL HAS
RESUMED

¶2. (SBU) Sierra Leone Special Court Chief Prosecutor Stephen
Rapp informed members of the Special Court Management
Committee on January 22 that events were proceeding smoothly
in the prosecution's presentation of its case in The Hague
against former Liberian President Taylor.   The prosecution
has identified 77 crime-based witnesses to present testimony.
 Seven have appeared thus far in Court. After hearing
testimony from an additional 7-8 more witnesses who were the
victims of crimes allegedly committed as a result of Taylor
directives, Rapp intends to seek concurrence of the defense
to enter the written testimony of the remaining 65 or so
crime-based witnesses into evidence without forcing these
victims to appear in Court. Given the trauma being
experienced by those already called to recount the crimes
perpetrated against them, Rapp said he was confident the
defense eventually would permit the written testimony from
the remaining crime-based witnesses to be entered into the
record. Rapp estimated that in the absence of unexpected
developments, the prosecution should be able to conclude its
presentation of the evidence against Taylor, including
testimony from former Liberian Government and RUF/AFRC
officials, within seven to eight months. Rapp further
estimated that the defense would need approximately four to
six months to present its case, suggesting that the trial

phase could be completed in late 2008-early 2009.

¶3. (SBU) In response to a question posed by USUN, Rapp said
the recent transition from Justice Sebutinde to Justice
Doherty as presiding judge in the Taylor case had not seemed
to affect the pace or tenor of the trial. Although Sebutinde
had sought re-election as presiding judge, her lack of
majority support among the remaining justices allowed Justice
Doherty to take over, consistent with the established rules
governing normal rotation of judges. Rapp noted that while
each judge had her own distinctive style, both were very
professional and able to maintain discipline in the
courtroom.

RUF CASE CONTINUES
TO DRAG ON

¶4. (SBU) Rapp noted that the RUF case, which originally
began on July 5, 2004, was not proceeding expeditiouly. The
defense teams representing the three accused were still
seeking testimony from new witnesses, with more than 100
individuals scheduled to testify. The most optimistic
estimates were that the trial phase of the RUF case would
conclude in June, followed by issuance of a judgment and then
an appeal, but the apparent unwillingness of the judges to
limit the number of defense witnesses, the judges' decision
not to convene Court sessions on Wednesdays, and the judges'
reluctance to set target dates for completion of testimony
all meant that the RUF trial likely would continue for
sometime. Rapp said the judges in the RUF case even were
contemplating a recess in June in addition to the already
scheduled August recess. USUN pointed out that Judge Antonio
Cassese, who assessed the Special Court's productivity and

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operations in December 2006, had said that judicial
independence and judicial efficiency were not mutually
exclusive. The Special Court could ensure that justice was
being served while simultaneously expediting the proceedings.
 USUN suggested that this was a matter that the Management
Committee needed to address when Committee members visit
Freetown in mid-February.

¶5. (SBU) Rapp said two issues which merited further
consideration were arrangements that will be needed to permit
the possible relocation of witnesses who are on the Sierra
Leone travel ban list after they testify, and establishment
of provisions to try former AFRC leader and Special Court
indictee Johnny Paul Koromah, who was rumored to have been
killed, but whose body has never been found. If Koromah's
whereabouts remain unknown at the time the Special Court
concludes its work, it may be necessary to transfer
jurisdiction over his case to Government of Sierra Leone
national authorities. This will be one of the lingering
issues that will require increasing attention in the months
ahead.

¶6. (SBU) Rapp is scheduled to travel to Washington January
23 for meetings with Department officials, and then to
Chicago for a speaking engagement before returning to The
Hague and Freetown.

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